

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RightCHOICE Managed Care, Inc. et al.,)	
)	
Plaintiffs,)	Case No. 18-cv-06037-DGK
)	
v.)	
)	
Hospital Partners, Inc. <i>et al.</i> ,)	
)	
Defendant.)	

ANSWER BY DEFENDANT BEAU GERTZ

Defendant Beau Gertz (“Gertz”) for his Answer to Plaintiffs’ Third Amended Complaint, states and alleges as follows:

1. Denied.
2. Admit.
3. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 3, and therefore denies the same.
4. Denied.
5. Admit.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 11, and therefore denies the same.

12. Denied.

13. Denied.

14. Denied.

15. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15, and therefore denies the same.

16. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16, and therefore denies the same.

17. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17, and therefore denies the same.

18. Denied.

19. Denied.

20. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20, and therefore denies the same.

21. The State Auditor's report referenced in Paragraph 21 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

22. Plaintiffs' Paragraph 22 merely states the relief Plaintiffs seek in this lawsuit, and does not state a factual allegation to which a response is required. To the extent a response is required, Defendant Gertz denies that Plaintiffs are entitled to any such relief.

23. Denied.

24. Denied.

25. Denied.

26. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26, and therefore denies the same.

27. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27, and therefore denies the same.

28. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 28, and therefore denies the same.

29. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 29, and therefore denies the same.

30. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 30, and therefore denies the same.

31. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31, and therefore denies the same.

32. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32, and therefore denies the same.

33. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 33, and therefore denies the same.

34. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 34, and therefore denies the same.

35. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 35, and therefore denies the same.

36. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36, and therefore denies the same.

37. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37, and therefore denies the same.

38. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38, and therefore denies the same.

39. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 39, and therefore denies the same.

40. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 40, and therefore denies the same.

41. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 41, and therefore denies the same.

42. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 42, and therefore denies the same.

43. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43, and therefore denies the same.

44. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 44, and therefore denies the same.

45. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 45, and therefore denies the same.

46. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 46, and therefore denies the same.

47. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 47, and therefore denies the same.

48. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 48, and therefore denies the same.

49. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 49, and therefore denies the same.

50. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 50, and therefore denies the same.

51. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 51, and therefore denies the same.

52. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 52, and therefore denies the same.

53. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 53, and therefore denies the same.

54. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 54, and therefore denies the same.

55. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 55, and therefore denies the same.

56. Admit that LabMed Services is a Nevada LLC and that its members are residents of Colorado and Florida. All allegations not expressly admitted herein are denied.

57. Admit that SeroDynamics is a Colorado LLC. All allegations not expressly admitted herein are denied.

58. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 58, and therefore denies the same.

59. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 59, and therefore denies the same.

60. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 60, and therefore denies the same.

61. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 61, and therefore denies the same.

62. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 62, and therefore denies the same.

63. Admit.

64. Admit.

65. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 65, and therefore denies the same.

66. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 66, and therefore denies the same.

67. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 67, and therefore denies the same.

68. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 68, and therefore denies the same.

69. Denied.

70. Denied.

71. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 71 and each of its subparts, and therefore denies the same.

72. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 72, and therefore denies the same.

73. Admit.

74. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 74, and therefore denies the same.

75. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 75, and therefore denies the same.

76. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 76, and therefore denies the same.

77. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 77, and therefore denies the same.

78. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 78, and therefore denies the same.

79. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 79, and therefore denies the same.

80. Paragraph 80 states a legal conclusion and is not a factual allegation to which a response is required. To the extent a response is required, Defendant Gertz denies the same.

81. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 81, and therefore denies the same.

82. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 82, and therefore denies the same.

83. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 83, and therefore denies the same.

84. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 84, and therefore denies the same.

85. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 85, and therefore denies the same.

86. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 86, and therefore denies the same.

87. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 87, and therefore denies the same.

88. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 88, and therefore denies the same.

89. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 89, and therefore denies the same.

90. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 90, and therefore denies the same.

91. The Exhibit referenced in Paragraph 91 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

92. The Exhibit referenced in Paragraph 92 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

93. The Exhibit referenced in Paragraph 93 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

94. The Exhibit referenced in Paragraph 94 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

95. The Exhibit referenced in Paragraph 95 and each of its subparts speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

96. The Exhibit referenced in Paragraph 96 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

97. The Exhibit referenced in Paragraph 97 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

98. Paragraph 98 states a legal conclusion and is not a factual allegation to which a response is required. To the extent a response is required, Defendant Gertz denies the same.

99. The Exhibit referenced in Paragraph 99 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

100. The Exhibit referenced in Paragraph 100 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

101. The Exhibit referenced in Paragraph 101 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

102. The Exhibit referenced in Paragraph 102 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

103. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 103, and therefore denies the same.

104. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 104, and therefore denies the same.

105. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 105, and therefore denies the same.

106. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 106, and therefore denies the same.

107. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 107, and therefore denies the same.

108. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 108, and therefore denies the same.

109. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 109, and therefore denies the same.

110. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 110, and therefore denies the same.

111. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 111 and each of its subparts, and therefore denies the same.

112. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 112, and therefore denies the same.

113. The media article referenced in Paragraph 113 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

114. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 114, and therefore denies the same.

115. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 115, and therefore denies the same.

116. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 116, and therefore denies the same.

117. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 117, and therefore denies the same.

118. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 118, and therefore denies the same.

119. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 119, and therefore denies the same.

120. Denied.

121. Denied.

122. Denied.

123. Denied.

124. Denied.

125. Denied.

126. Denied.

127. Denied.

128. Denied.

129. Denied.

130. Denied.

131. Denied.

132. Denied.

133. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 133, and therefore denies the same.

134. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 134, and therefore denies the same.

135. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 135, and therefore denies the same.

136. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 136, and therefore denies the same.

137. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 137, and therefore denies the same.

138. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 138, and therefore denies the same.

139. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 139, and therefore denies the same.

140. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 140, and therefore denies the same.

141. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 141, and therefore denies the same.

142. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 142, and therefore denies the same.

143. Denied.

144. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 144, and therefore denies the same.

145. Denied.

146. Denied.

147. Denied.

148. Denied.

149. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 149, and therefore denies the same.

150. Denied.

151. Admit.

152. Denied.

153. Admit.

154. Denied.

155. Admit the Beau Gertz made the statements described in Paragraph 155 and its subparts. Deny that the excerpts fairly or accurately portray the whole of his comments and deny all inferences Plaintiffs' suggest by their compilation of cherry-picked excerpts.

156. Denied.

157. Admit.

158. Admit.

159. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 159, and therefore denies the same.

160. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 160, and therefore denies the same.

161. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 161, and therefore denies the same.

162. Denied.

163. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 163, and therefore denies the same.

164. Denied.

165. Denied.

166. Denied.

167. Denied.

168. Denied.

169. Denied.

170. Denied.

171. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 171, and therefore denies the same.

172. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 172, and therefore denies the same.

173. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 173, and therefore denies the same.

174. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 174, and therefore denies the same.

175. The State Auditor's report referenced in Paragraph 175 speaks for itself, and therefore no response is required. To the extent a response is required, Defendant Gertz denies the same.

176. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 176, and therefore denies the same.

177. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 177, and therefore denies the same.

178. Admit.

179. Denied.

180. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 180, and therefore denies the same.

181. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 181, and therefore denies the same.

182. Denied.

183. Denied.

184. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 184, and therefore denies the same.

185. Denied.

186. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 186, and therefore denies the same.

187. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 187, and therefore denies the same.

188. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 188, and therefore denies the same.

189. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 189, and therefore denies the same.

190. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 190, and therefore denies the same.

191. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 191, and therefore denies the same.

192. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 192, and therefore denies the same.

193. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 193, and therefore denies the same.

194. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 194, and therefore denies the same.

195. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 195, and therefore denies the same.

196. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 196, and therefore denies the same.

197. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 197, and therefore denies the same.

198. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 198, and therefore denies the same.

199. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 199, and therefore denies the same.

200. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 200, and therefore denies the same.

201. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 201, and therefore denies the same.

202. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 202, and therefore denies the same.

203. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 203, and therefore denies the same.

204. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 204, and therefore denies the same.

205. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 205, and therefore denies the same.

206. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 206, and therefore denies the same.

207. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 207, and therefore denies the same.

208. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 208, and therefore denies the same.

209. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 209, and therefore denies the same.

210. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 210, and therefore denies the same.

211. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 211, and therefore denies the same.

212. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 212, and therefore denies the same.

213. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 213, and therefore denies the same.

214. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 214, and therefore denies the same.

215. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 215, and therefore denies the same.

216. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 216, and therefore denies the same.

217. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 217, and therefore denies the same.

218. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 218, and therefore denies the same.

219. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 219, and therefore denies the same.

220. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 220, and therefore denies the same.

221. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 221, and therefore denies the same.

222. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 222, and therefore denies the same.

223. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 223, and therefore denies the same.

224. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 224, and therefore denies the same.

225. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 225, and therefore denies the same.

226. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 226, and therefore denies the same.

227. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 227, and therefore denies the same.

228. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 228, and therefore denies the same.

229. Defendant Gertz lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 229, and therefore denies the same.

CAUSES OF ACTION

COUNT I

Fraud and Fraudulent Concealment (Against All Defendants)

230. Defendant Gertz incorporates by reference all prior paragraphs of this Answer as if set forth fully herein.

231. Denied.

232. Denied.

233. Denied.

234. Denied.

235. Denied.

236. Denied.

237. Denied.

238. Denied.

239. Denied.

240. Denied.

241. Denied.

242. Denied.

243. Denied.

244. Denied.

245. Denied.

246. Denied.

247. Denied.

248. Denied.

249. Denied.

250. Denied.

251. Denied.

252. Denied.

253. Denied.

254. Denied.

255. Denied.

256. Denied.

COUNT II
Negligent Misrepresentation
(Against All Defendants)

257. Defendant Gertz incorporates by reference all prior paragraphs of this Answer as if set forth fully herein.

258. Denied.

259. Denied.

260. Denied.

261. Denied.

262. Denied.

263. Denied.

264. Denied.

265. Denied.

266. Denied.

267. Denied.

268. Denied.

COUNT III
Restitution Under Erisa § 502(a)(3)
(Against All Defendants)

269. Defendant Gertz incorporates by reference all prior paragraphs of this Answer as if set forth fully herein.

270. Denied.

271. Denied.

272. Denied.

273. Denied.

274. Denied.

275. Denied.

276. Denied.

277. Denied.

278. Denied.

279. Denied.

280. Denied.

281. Denied.

282. Denied.

283. Denied.

284. Denied.

285. Denied.

286. Denied.

287. Denied.

288. Denied.

COUNT IV
Declaratory and Injunctive Relief
Under Erisa § 502(a)(3) and 28 U.S.C. §§ 2201 and 2202
(Against All Defendants)

289. Defendant Gertz incorporates by reference all prior paragraphs of this Answer as if set forth fully herein.

290. Denied.

291. Denied.

292. Denied.

293. Denied.

294. Denied.

295. Denied.

296. Denied.

297. Denied.

298. Denied.

299. Denied.

COUNT V
Tortious Interference With Contract
(Against All Defendants)

300. Defendant Gertz incorporates by reference all prior paragraphs of this Answer as if set forth fully herein.

301. Denied.

302. Denied.

303. Denied.

304. Denied.

305. Denied.

306. Denied.

307. Denied.

COUNT VI
Civil Conspiracy
(Against All Defendants)

308. Defendant Gertz incorporates by reference all prior paragraphs of this Answer as if set forth fully herein.

309. Denied.

310. Denied.

311. Denied.

312. Denied

COUNT VII
Aiding and Abetting a Tort
(Against All Defendants)

313. Defendant Gertz incorporates by reference all prior paragraphs of this Answer as if set forth fully herein.

314. Denied.

315. Denied.

316. Denied.

317. Denied

318. Denied.

COUNT VIII
Unjust Enrichment
(Against All Defendants)

319. Defendant Gertz incorporates by reference all prior paragraphs of this Answer as if set forth fully herein.

320. Denied.

321. Denied.

322. Denied.

323. Denied

324. Denied.

325. Denied.

326. Denied.

327. Denied

328. Denied.

COUNT IX
Money Had and Received
(Against All Defendants)

329. Defendant Gertz incorporates by reference all prior paragraphs of this Answer as if set forth fully herein.

330. Denied.

331. Denied.

332. Denied.

WHEREFORE, having fully answered Plaintiffs' Third Amended Complaint, Defendant Gertz requests that the Court dismiss this action with prejudice, award Defendant its costs and fees incurred in defending this action, and order all other relief deemed just and appropriate.

AFFIRMATIVE DEFENSES

1. Plaintiffs' Third Amended Complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs' fraud claims should be dismissed for failure to comply with Rule 9(b).
3. Plaintiffs' claims are barred by the doctrines of waiver and estoppel.
4. Plaintiffs' claims are barred, in full or in part, by their comparative fault.
5. Plaintiffs' claims are barred by their failure to mitigate damages.
6. Defendant Gertz should be dismissed because the Court lacks personal jurisdiction over them with respect to this dispute.
7. Plaintiffs' requests for declaratory and injunctive relief are moot.

8. Plaintiffs' Third Amended Complaint should be dismissed for failure to join an indispensable party to this action, namely Putnam County Memorial Hospital, the entity that received 100% of the funds at issue in this case.

9. Plaintiffs' Third Amended Complaint should be dismissed because the contract at issue contains a mandatory arbitration clause.

Dated this 9th Day of October, 2018.

Respectfully submitted,

/s/ Gregory J. Minana

GREGORY J. MINANA MO #38004

MICHAEL R. OWENS MO #67002

HUSCH BLACKWELL LLP

4801 Main Street, Suite 1000

Kansas City, Missouri 64112

Telephone (816) 983-8000

Facsimile (816) 983-8080

greg.minana@huschblackwell.com

michael.owens@huschblackwell.com

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Gregory J. Minana _____